PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, MAY 12 19 87

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING May 12 A.D., 1987, IN Regular SESSION. PRESIDENT Mark E. GiaQuinta IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY P, BURNS P, EISBART P,
GiaQUINTA P, HENRY P, REDD P,
SCHMIDT P, STIER P, TALARICO P,

ABSENT: 9

COUNCILMAN: _____, _____, _____,

THE INVOCATION WAS GIVEN BY _____

THE MINUTES OF THE LAST REGULAR April 28, 1987, 19____,

_____, 19____,

SPECIAL _____, 19____,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

COMMUNICATIONS FROM THE MAYOR

May 1, 1987

To the Common Council
Gentlemen and Mrs. Bradbury:

Today, May 1, 1987, I have approved the following ordinances and resolutions passed by the Common Council at this meeting of April 28, 1987

(Bill No. S-87-04-01)
SPECIAL ORDINANCE NO. S-72-87

AN ORDINANCE approving Civil City Purchase Order #A-50653, with the Preferred Product Sales Company, for the Traffic Engineering Department of the City of Fort Wayne, Indiana

(Bill No. S-87-04-02)
SPECIAL ORDINANCE NO. S-73-87

AN ORDINANCE approving the awarding of Reference #1284, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and M.A.B. Paint Company, for the Housing and Neighborhood Development Services, through the Community Development and Planning Department

(Bill No. S-87-04-03)
SPECIAL ORDINANCE NO. S-75-87

AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL LOAN AGREEMENT SUPPLEMENTING AND AMENDING A PRIOR LOAN AGREEMENT ENTERED INTO FOR THE ISSUANCE OF $475,000 ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS (CSC REALTY PROJECT)

(Bill No. S-87-04-03)
SPECIAL ORDINANCE NO. S-75-87

AN ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ENTER INTO A SECOND SUPPLEMENTAL LOAN AGREEMENT SUPPLEMENTING AND AMENDING A PRIOR LOAN AGREEMENT ENTERED INTO FOR THE ISSUANCE OF $475,000 ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS (CSC REALTY PROJECT)

(Bill No. S-87-04-04)
SPECIAL ORDINANCE NO. S-74-87

AN ORDINANCE approving Civil City Purchase Order #A-50670, with the Three Rivers Barricade Company, for the Fort Wayne Children's Zoo of the City of Fort Wayne, Indiana

(Bill No. S-87-04-05)
SPECIAL ORDINANCE NO. S-76-87

AN ORDINANCE DESIGNATING THE BOARD OF PUBLIC WORKS AND SAFETY AS LEASING AGENT FOR THE CITY OF FORT WAYNE, INDIANA; APPROVING THE LEASE OF CERTAIN PROPERTY BY THE CITY OF FORT WAYNE MUNICIPALLY OWNED UTILITIES; APPROVING A FORM OF LEASE; AUTHORIZING ACCEPTANCE OF A LESSOR; AND APPROVING OTHER ACTIONS WITH RESPECT THERETO

(Bill No. R-87-04-06)
RESOLUTION NO. R-27-87

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, approving the Housing Authority's continued participation in the Section 8 Existing Voucher Program as provided in the Housing and Urban Rural Recovery Act of 1983

(Bill No. R-87-04-50)
DECLARATORY RESOLUTION NO. R-28-87

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3111 Congressional Parkway, Fort Wayne, Indiana 46808. (KSJ Enterprises, Inc., Petitioner)

(Bill No. G-87-02-21)
GENERAL ORDINANCE NO. G-11-87

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating an alley thereof

(Bill No. S-87-04-17)
SPECIAL ORDINANCE NO. S-77-87

AN ORDINANCE approving the Contract for Resolution 6078-87, French Avenue, between Gaines Construction Company, and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-23)
SPECIAL ORDINANCE NO. S-83-87

AN ORDINANCE approving the Contract for Ornamental Street Lighting Resolution #188-87, Kirkwood Park, between The Weikel Line Company, and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-24)
SPECIAL ORDINANCE NO. S-84-87

AN ORDINANCE approving the Contract for Res. #441-87, Fairfax Avenue - Buell Drive Storm Sewer, between Weitzel Construction Company, and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-25)
SPECIAL ORDINANCE NO. S-85-87

AN ORDINANCE approving Change Order No. 1 (FINAL) for Res. 410-85, Evard Rd. Overflow Pump Station, with T-G Excavating, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. S-87-04-26)
SPECIAL ORDINANCE NO. S-86-87

AN ORDINANCE approving the Contract for Ornamental Street Lighting Resolution #187-87 - E. Taber Street, between T&F Construction Corporation, and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-27)
SPECIAL ORDINANCE NO. S-87-87

AN ORDINANCE approving the Contract for Ornamental Street Lighting #185-87 - Kenwood Avenue, between the City of Fort Wayne, Indiana and The Weikel Line Co., Inc., in connection with the Board of Public Works and Safety

(Bill No. S-87-04-28)
SPECIAL ORDINANCE NO. S-88-87

AN ORDINANCE approving the Contract for Ornamental Street Lighting Resolution #184-87, Corwin Lane, between The Weikel Line Company, and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-29)
SPECIAL ORDINANCE NO. S-89-87

AN ORDINANCE approving the Contract for Water Main Extension #86-XP-7, Hanauer Road, between John Dehner, Inc., and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-30)
SPECIAL ORDINANCE NO. S-90-87

AN ORDINANCE approving the Contract for Ornamental Street Lighting, #186-87, Kensington Blvd., between the City of Fort Wayne, Indiana and Weikel Line Company, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-31)
SPECIAL ORDINANCE NO. S-91-87

AN ORDINANCE approving the Contract for Resolution 442-1987, Hawthorne-McClellan Storm Sewer, between Land Excavating, Inc., and the City of Fort Wayne, INdiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-32)
SPECIAL ORDINANCE NO. S-92-87

AN ORDINANCE approving the Contract for No. 86-08 - Indian Hills Drive Water Main Replacement, between Tomco Construction Co., Inc., and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-33)
SPECIAL ORDINANCE NO. S-93-87

AN ORDINANCE approving the Contract for Ornamental Street Lighting Contract #189-87 - McMillen Park Drive, Marcy Lane, Priscilla Lane, between the City of Fort Wayne, Indiana and T&F Construction Corporation of Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-34)
SPECIAL ORDINANCE NO. S-94-87

AN ORDINANCE approving the Contract for Sewer Improvement Res. 427-86 Amended, Pettit Avenue Storm Sewer, between Land Excavating, Inc., and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-35)
SPECIAL ORDINANCE NO. S-95-87

AN ORDINANCE approving the Contract for Sanitary Sewer Resolution 440-86, Fairfield Avenue, between John Dehner, Inc., and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-36)
SPECIAL ORDINANCE NO. S-96-87

AN ORDINANCE approving the awarding of Reference #3079, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Midwest Tile and Concrete, for the Water Pollution Control Maintenance Department

(Bill No. S-87-04-37)
SPECIAL ORDINANCE NO. S-97-87

AN ORDINANCE approving City Utilities Purchase Order #A-52564, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Preferred Products Company, for the Street Lighting Department

(Bill No. S-87-04-38)
SPECIAL ORDINANCE NO. S-98-87

AN ORDINANCE approving City Utilities Purchase Order #A-54946, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Brown Wood Preserving Company, for the Street Lighting Department

(Bill No. S-87-04-39)
SPECIAL ORDINANCE NO. S-99-87

AN ORDINANCE approving the awarding of Reference #3978, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Midwest Tile and Concrete, for the Water Pollution Control Maintenance Department

(Bill No. X-87-02-09)
ANNEXATION ORDINANCE NO. X-03-87

AN ORDINANCE annexing certain territory commonly known as Crown Colony Annexation Area to Fort Wayne and including the same in Councilmanic District No. 6

(Bill No. R-87-02-10)
RESOLUTION NO. R-29-87

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the Crown Colony Annexation

(Bill No. S-87-04-44)
SPECIAL ORDINANCE NO. S-100-87

AN ORDINANCE NAMING THE HELMKE LIBRARY AT INDIANA-PURDUE FORT WAYNE CAMPUS AND THE MAIN BRANCH OF THE ALLEN COUNTY PUBLIC LIBRARY AS CITY DEPOSITORIES

(Bill No. S-87-04-18)
SPECIAL ORDINANCE NO. S-78-87

AN ORDINANCE approving the Contract for Res. 6069-86, Southwood Park, Curbs, Drive Approaches and Walks, NIP Bond Issue, between Hipskind Concrete Corporation and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-19)
SPECIAL ORDINANCE NO. S-79-87

AN ORDINANCE approving the Contract for Res. 6082-87 - Curbs, Drives and Walks on Woodhurst Blvd., between Tomco Construction and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-20)
SPECIAL ORDINANCE NO. S-80-87

AN ORDINANCE approving the Contract for Res. 6083-87 - Improvement of State Blvd., between the City of Fort Wayne, Indiana and Rieth-Riley Construction Company, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-21)
SPECIAL ORDINANCE NO. S-81-87

AN ORDINANCE approving the Contract for Res. 6080-87, Asphalt Resurfacing Program, 6th Package, NIP Bond Issue, between Wayne Asphalt and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-04-22)
SPECIAL ORDINANCE NO. S-82-87

AN ORDINANCE approving the Contract for Res. 6081-87, Hoagland Avenue improvements, between Tomco Construction Co., Inc., and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

Respectfully yours,

Win Moses, Jr.
Mayor

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its _____Session, held on_____ the _____day of_____, 19____, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this_____day of _____,19____,

_____
SANDRA E. KENNEDY, CITY CLERK

The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planing

8 May 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-02-27

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
8th day of May 1987.

Robert Hutner
Secretary

Division of Community Development & Planning

FACT SHEET

Z-87-02-27

BILL NUMBER

--

BRIEF TITLE

Zoning Ordinance Amendment

From R-2 to B-3-B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

2101, 2105, 2111, 2113, 2119 & 2123 Pleasant Avenue

Reason for Project

To enlarge the dealership parking for Kelley Chevrolet and for possible future expansion of an existing body shop.

Discussion (Including relationship to other Council actions)

23 February 1987 - Public Hearing

Minutes from Public Hearing are Attached

2 March 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation subject to the following conditions:

1) No additional access should be granted from Pleasant Avenue or Forest Avenue.

2) A 6 foot high screen to buffer the site from the residential districts must be approved by the CD&P Landscape Architect. Such approved screen must be maintained to the satisfaction of the department. This screen should extend from the alley south of State, to Forest Avenue on Pleasant Avenue, and on Forest Avenue from Pleasant Avenue to the first alley west.

3) To insure that these concerns are satisfied, the petitioner should enter into

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** James Kelley **City Department** **Other**
Opponents	**Groups or Individuals** Northside Neighborhood Assn Jean Cussen **Basis of Opposition** -traffic generated onto residential street -noise & lights from lot
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

a restrictive covenant with the residential property owners agreeing to those conditions and providing for relief from violations. Such covenants should be submitted to City Plan for review and approval.

Motion carried.

Of the 8 members present 7 voted in favor of the motion one (1) did not vote.

NOTE: The restrictive covenant has been submitted and approved by the Plan Commission attorney. A copy is on file in the Plan Commission Office and a copy is attached to the minutes for your information.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 20 January 1987

Projected Completion or Occupancy — Date 8 May 1987

Fact Sheet Prepared by — Date 8 May 1987

Patricia Biancaniello

Reviewed by — Date 5/11/87

Gary Barto

Reference or Case Number

Vincent Heiny, attorney represented the following case.

a. Change of Zone #252
From R-2 to B-3-B
2101, 2105, 2111, 2113, 2119, & 2123 Pleasant Avenue.

He stated that with regard to vacate the alleys as well as vacating Riedel Place. He stated that Mr. Kelley recently acquired all of the property along the north/south alley; on the east/west alley the south side is owned by Mr. Kelley the north side is owned by MBC Corp, and Mr. Kelley presently leases that property from MBC Corp. He stated that MBC Corp has also joined in the petition to vacate the two alleys. He stated that Riedel Place has never been opened. He stated that they thought that Riedel Place was vacated through the Board of Works but were unable to verify that fact. He stated that none of the requested vacated right-of-way has any use to the city in his opinion. He stated that they have no objections to providing utility easements as needed. He stated that with regard to the rezoning request it for the purpose of expanding the existing business, which is the Kelley Chevrolet dealership on West State. He stated that Mr. Kelley met with 15 of the property owners on Pleasant Avenue across the street from the proposed rezoning. He stated that they have indicated that they have no objection to the rezoning but that they would like a 6 foot high privacy fence along Pleasant Avenue all the way up to the first lot south of State Street. He stated that there is a curb cut at Riedel Place that they would like to keep. He stated that it is not used with any regularity. He stated that they have no objections to the staff's conditions.

John Shoaff questioned what they would use the rezoned property for.

Mr. Heiny stated that the present plan is for dealership parking. He stated they are also looking into the possibility of enlarging the body shop to the east.

Mr. Shoaff questioned if there would be any noxious fumes or noise from the body shop.

Mr. Heiny stated that it would be totally self-contained. He stated there would no fumes it is in an environmentally enclosed structure.

Baron Biedenweg questioned what type of lighting they would have on this property would it be just normal security lighting and not the high intensity lighting.

Mr. Heiny stated that was correct.

V. C. Seth stated he would like to make a correction in the staff on Page 18 of the agenda Condition #1 it should read as follows: "No additional access should be granted from Pleasant Avenue and Forest Avenue."

Edith Kenna questioned if Mr. Heiny had any problem with entering into a restrictive covenant with the Neighborhood Association.

Mr. Heiny stated they did not.

Ray Racine, with the Northside Neighborhood Association appeared before the Commission. Mr. Racine stated that they have met with Mr. Kelley and have agreed to go along with his request. He stated that there are a few things they would like set down in black & white. He stated they want the lot paved and Mr. Kelley agreed with that. He stated that the fence is to be a solid wood fence and as long as the 6 foot height covers any vehicles parked behind the fence they will agree with that. He stated that presently they have been parking RVs there and if they continue to do so that is too short a fence. He stated that the exit on Pleasant is agreeable to the neighbors if it is only used as an emergency exit and not as a general in and out cut.

Jean Cussen, 2114 Pleasant Avenue appeared before the Commission. Ms. Cussen stated that the assumption that the homeowners are in favor of this is not quite correct. She stated she felt they had agreed to it as a lesser of 2 evils. She stated they did not feel with Mr. Kelley's clout and finances they did not feel they could fight it. She stated they would much prefer to keep it as a residential zone. She stated they are not satisfied with a 6 foot fence, they do want it to be a wooden privacy fence, but 6 foot would not be sufficient to block their view. She stated

they are concerned with the lighting. They are also concerned with the loud speakers he uses on his lots for paging his employees.

Edith Kenna questioned that once this property was rezoned if there would be anyway to restrict the lighting on the property.

Wayne O'Brien stated that any new development in a commercial district has to go through a routing procedure and one of the departments is Street Light Engineering. He stated that their standard policy is that any security lighting or building lighting should be directed away from the view of surrounding residents and passing motorists, etc.

John Shoaff stated that he understood Mr. Racine to state that they would like the Riedel Place exit to be used for emergency use only. He questioned if this is what the petitioner had meant.

Mr. Heiny stated that he was not aware that they agreed to emergency use only but that it be limited to infrequent use, it would basically be the same amount of use that it is presently being used for.

Ray Racine stated that they use it very seldom and felt there would be no problem if they continued to use it the way they have been. Mr. Racine stated also that in speaking with Mr. Kelley he stated that there would be no lighting back there. He stated they have no objection to the minimal lighting and nothing else.

Bob Hutner stated that they indicated that there had been an agreement for a 6 foot high fence, if the motor homes that are already there are higher than this how do they intend to protect their view.

Mr. Racine stated that there was no consensus of opinion as to how high that fence should be, all they agreed upon was that there would be a wood fence. He stated that they are proposing if possible that the fence be of such a height to block a view of any vehicles parked on the lot.

Edith Kenna pointed out that anything over 7 foot would require a variance.

V. C. Seth stated that anything more than 6 foot high would not be appropriate what they would suggest in addition to a 6 foot high fence would be trees, so above the 6 foot would be covered by foliage.

Edith Kenna stated that it would be wise for the Neighborhood Association to discuss their restrictive covenant with staff. She stated that the responsibility for enforcing the covenant will be the neighborhood's and not the city's. She stated that the Association needs to be specific about what they want, because what you leave out of that restrictive covenant can be done in a B-3-B. She stated that it would be wise to discuss whatever problems you have because you may want something to be a part of the covenant. She stated that once this is rezoned to B-3-B the city is not a part of the private agreement.

Ray Racine questioned how this covenant would have to be incorporated.

Steve Smith stated it would be recorded against the land.

Mr. Racine questioned if he would be required to put shrubbery in front of the fence.

Steve Smith stated it is not a requirement.

Edith Kenna stated that is something that maybe should be discussed with Mr. Kelley again.

Janet Bradbury stated she would urge that the Neighborhood Association and a representative from Mr. Kelley and work out a reasonable agreement.

Steve Smith stated if they are able to work out an agreement if they would provide a copy to staff before the end of the week for their information.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning and vacation.

DECLARATION OF RESTRICTIVE COVENANTS

WHEREAS, James E. Kelley is the owner of Lots 8, 10, 12, 14, 16 and 18 in John M. E. Riedel's Addition to the City of Fort Wayne and has filed a petition with the Fort Wayne City Plan Commission to rezone this real estate from R-2 to B-3-B, which petition is pending in Case No. 252; and

WHEREAS, James E. Kelley has met with various owners of real estate along Pleasant Avenue between East State Boulevard and Forest Avenue, as well as with representatives of the Northside Neighborhood Association, Inc. and has agreed to enter into this Declaration of Restrictive Covenants to and for the benefit of the Northside Neighborhood Association, Inc. and the owners of real estate used for residential purposes along Pleasant Avenue between East State Boulevard and Forest Avenue in the City of Fort Wayne;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. James E. Kelley shall cause any portions of Lots 8, 10, 12, 14, 16 and 18 in John M. E. Riedel's Addition to the City of Fort Wayne used for vehicle storage or parking to be paved with a permanent surface, such as concrete or asphalt, prior to using that real estate or such portions thereof for vehicle storage or parking.

2. James E. Kelley shall install and maintain a first-class, 6-7 foot high, wood privacy fence along Pleasant Avenue from the north line of Lot 2 continuous to the south line of Lot 18 in John M. E. Riedel's Addition to the City of Fort Wayne, provided, however, James E. Kelley shall be allowed to install and maintain a wood gate at Riedel Place (or vacated Riedel Place), which gate shall be substantially similar to the remaining portion of the wood fence. The gate will remain locked when not in use.

3. No loudspeakers or high-intensity lighting, other than normal security type lighting, shall be installed or used upon Lots 8, 10, 12, 14, 16 and 18 in John M. E. Riedel's Addition to the City of Fort Wayne.

4. No motor homes shall be parked or stored upon Lots 8, 10, 12, 14, 16 and 18 in John M. E. Riedel's Addition to the City of Fort Wayne.

5. This Restrictive Covenant shall run with the land, shall be binding upon James E. Kelley, his successors and assigns, and shall be enforceable in court, including by way of injunctive relief, by the Northside Neighborhood Association, Inc. or by any owners of residential real estate along Pleasant Avenue from East State Boulevard to Forest Avenue in the City of Fort Wayne. This Covenant shall expire on January 1, 2025.

James E. Kelley
JAMES E. KELLEY

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, personally appeared James E. Kelley and acknowledged the execution of the above and foregoing this 27th day of February, 1987.

My Commission Expires:
June 23, 1988
Resident of:
Allen County, Indiana

Vincent J. Heiny
Vincent J. Heiny, Notary Public

This instrument prepared by Vincent J. Heiny, Attorney at Law.

5466.vjh/sm

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 24, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-02-27; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 23, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held March 2, 1987.

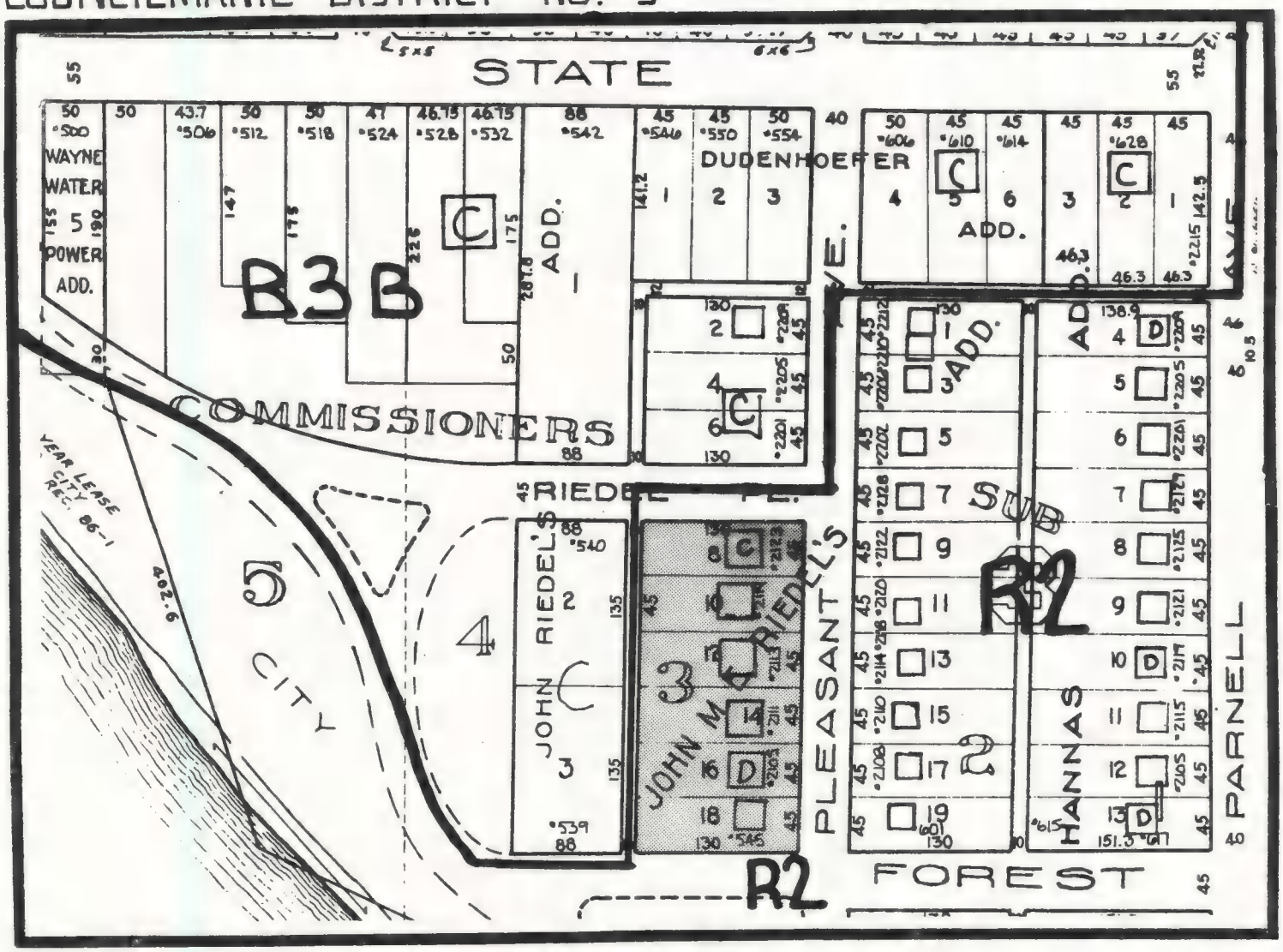
Certified and signed this
8th day of May 1987.

Robert Hutner
Secretary

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-2 DISTRICT TO A B-3-B DISTRICT.

MAP NO. N-14

COUNCILMANIC DISTRICT NO. 3



ZONING:

R2 RESIDENTIAL DISTRICT
B3B GENERAL BUSINESS 'B'

LAND USE:

- ☐ SINGLE FAMILY
- [D] DUPLEX
- [C] COMMERCIAL

SCALE: 1" = 200'

DATE: 1-29-87

Change of Zone # 252

Vincent Heiny, attorney for the petitioner, requests a change of zone from R-2 to B-3-B.

Location: 200 Block of Pleasant Ave.

Legal Desc.: See File

Land Area: Approximately 0.805 Acres

Surroundings:			
	North	B-3-B	Commercial
	South	R-2	River
	East	R-2	Single Family Residential
	West	B-3-B	Commercial

Reason for Request: Auto dealership expansion

Neighborhood Assoc.: Northside Neighborhood Assoc.

Neighborhood Planning: No Comment

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The Goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods. Further commercial encroachment is not compatible with the residential characters east and south of the site.

Planning Staff Discussion:

The Plan Commission has always had great concern regarding the preservation of residential integrity. In examining the area of this petition we are faced with two concerns; a logical expansion of the commercial use, and conservation of property values/residential development. Due to the existing development and character of uses in the area, Pleasant Ave. would serve as a logical delineator for zoning classifications. However, impact on surrounding residential properties must be contained so as not to adversely impact residential developments, or quality of life.

Recommendation: Conditional Approval, contingent upon the developer satisfying the following items:

Change of Zone # 252
200 Block Pleasant Ave.

1) No additional access should be granted from Pleasant or Forest Avenues.

2) A 6 foot high screen to buffer, the site from the residential districts must be approved by the C.D.& P. Landscape Architect. Such approved screen must be maintained to the satisfaction of the department. This screen should extend from the alley south of State, to Forest Avenue on Pleasant Avenue, and on Forest Avenue from Pleasant Avenue to the first alley west.

3) To insure that these concerns are satisfied, the petitioner should enter into a restrictive covenant with the residential property owners agreeing to those conditions, and providing for relief from violations. Such covenant should be submitted to City Plan for review and approval.

The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

8 May 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-03-25

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
8th day of May 1987.

Robert Hutner
Secretary

FACT SHEET

Division of Community Development & Planning

Z-87-03-25
BILL NUMBER

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment From R-3 to B-3-B		

DETAILS

Specific Location and/or Address

140 E. Creighton

Reason for Project

To allow for Used Car Sales.

Discussion (Including relationship to other Council actions)

16 March 1987 - Public Hearing

Minutes of Public Hearing are Attached

23 March 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the 8 members present 7 voted in favor of the motion one (1) did not vote.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Louie Spatt **City Department** **Other**
Opponents	**Groups or Individuals** Arthur Amt with Larez Assn Felicia Hayes, Pres of Larez **Basis of Opposition** -detriment to residential rehab in area -would create a traffic hazard
Staff Recommendation	☐ For ☒ Against **Reason Against** -create negative influence i area -discourage residential reinvestment in area
Board or Commission Recommendation	**By** ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 10 February 1987

Projected Completion or Occupancy — Date 8 May 1987

Fact Sheet Prepared by — Date 8 May 1987

Patricia Biancaniello

Reviewed by — Date 5/11/87

Reference or Case Number

b. Change of Zone #255
From R-3 to B-3-B
140 E. Creighton Street

Louie Spatt, owner of the property appeared before the Commission. Mr. Spatt stated that he owned and operated Spatt Plumbing and Heating Company on the corner of Creighton and Clinton Streets. He stated that the property in question is Lot #351 and that his place of business is on Lot #352. He stated that 5 or 6 years ago he appeared before the Commission to rezone his property from R-3 to a B-3-B all except Lot #351. He stated they did rezone 5 foot of Lot #351 as B-3-B. He stated that he purchased the property and has since razed the apartment that was it. He stated that he was intending to retire from the plumbing and heating business and wanted to be able to utilize this Lot #351 for income purposes. He stated that he has been in the area for almost 30 years and has always tried to maintain his property. He stated that he had appeared before the LaRez Neighborhood Association and explained what he wanted to do with the property. He stated that he has since received a letter from the association requesting the Commission deny his request because someone informed them that he was going to put a Used Car Lot on the property. He stated he might put a Used Car Lot on the property but he did not feel it would be a detriment to the area. He stated that this whole quarter of a block from Clinton to the alley west from the south to Creighton is all B-3-B except for a small parcel of land 45' x 90' that sits dormant there. He stated that he really does not know what to do with the property with out getting it rezoned.

Mel Smith questioned if the plumbing and heating business would still exist after he retired. He stated that the R-1 area in question was used for parking for the business.

Mr. Spatt stated that part of it will be.

Mel Smith questioned if there were conditions placed on the property being used as a parking lot.

Mr. Spatt stated that he has blue prints that were okayed by the LaRez Association and the Plan Commission about 6 or 7 years ago regarding the parking lot. He stated the parking lot was okayed and the reason he did not beautify the area was that when the building was razed the basement was not properly filled and the basement kept sinking and it took approximately 4 years of filling in order to get the lot leveled and blacktopped. He stated that in 1981, 1982, 1983 and part of 1984 there was a recession and it was not financially feasible to invest the money in the property. He stated that he felt the reason that they did not rezone the whole lot to B-3-B before is that the LaRez Association was concerned about a building be put on the lot. He stated that he promised the association in writing that he would never build on that parcel of land. He stated he is still in agreement to not building on the land. He stated though that he did not understand why the association would be against the rezoning now because it is such a small parcel of land.

Felicia Hayes, President of LaRez Neighborhood Association appeared before the Commission. She stated that she had met with the Executive Board and the Association and they do oppose the rezoning. She stated that they feel having a car lot across from the Reservoir Park would be a detriment.

Edith Kenna stated that she would like to support the Neighborhood Association but stated that the property is zoned R-3 and would with a variance allow for an office. She questioned if the association would accept an office on the property. She stated that the Commission cannot force someone to hold their property vacant.

Rev. John Elliot, pastor of the Faith United Methodist Church appeared before the Commission. Rev. Elliot stated that the general condition of the area has improved considerably over the last 10 to 15 years. He stated that the top priority of the Outreach Program sponsored by the church is housing rehabilitation. He stated they have been encouraging the City of Fort Wayne to hopefully bring to Fort Wayne a Neighborhood Housing Service. He stated that the City has in turn suggested that the church organization itself do housing rehabilitation. He stated that this would be the only commercial enterprise across from the park and if the park is rehabilitated, as they have supported, it does change the picture. He stated that it looks like the near south side of Fort Wayne in the next few years actually begin to increase as being somewhat rehabbed. He stated that the neighborhood would prefer that property be zoned to R-1 wherever possible. He stated that they would oppose that particular type of an enterprise going in there and the zoning that would make it possible.

Ms. Jackie Koenig appeared before the Commission. Ms. Koenig stated that she owned several properties in the neighborhood. She stated that she has moved into the area in the last 4 years and has "rolled up her sleeves". She stated that she has gone over and cleaned up the park and worked at cleaning up the neighborhood. She stated that she felt Mr. Spatt's plan would cause a traffic nuisance to the neighborhood and also downgrade the area.

Arthur Amt, member of the Executive Board of the LaRez Neighborhood Association stated that the association is not opposed to plumbing establishments or used car lots. He quoted from the letter sent to Mr. Spatt from the association which stated that the association is concerned about maintaining the residential quality of the area. He stated that they are concerned with protecting the neighborhood for the future.

Mr. Spatt in rebuttal stated that they checked with the State Highway Department regarding the curb cut and they were informed that the curb cut could be maintained. He stated that he lived there some years back. He stated that there are many accidents at that corner but they are generated from drunkenness or running red lights. He stated that there is not a chargeable accident on record from Spatt Plumbing & Heating using this lot for a parking lot.

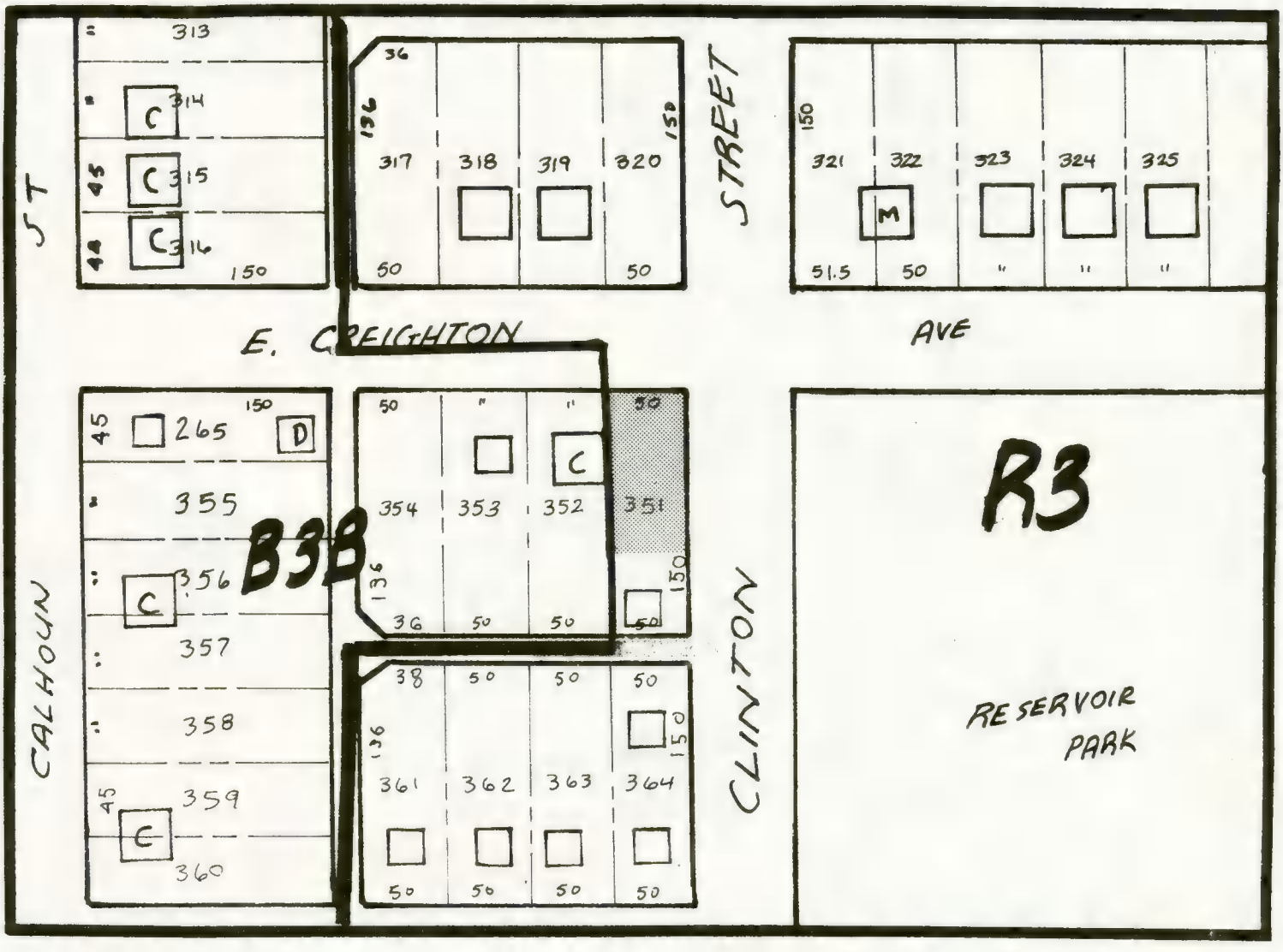
There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION #355

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-3 DISTRICT TO A B-3-B DISTRICT.

MAP NO. M-3

COUNCILMANIC DISTRICT NO. 1



ZONING:

R-3 RESIDENTIAL DISTRICT
B3B GENERAL BUSINESS 'B'

LAND USE:

- □ SINGLE FAMILY
- D DUPLEX
- M MULTI-FAMILY
- C COMMERCIAL

N

SCALE: 1"=100'

DATE: 2-27-87

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 24, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-03-25; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 16, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 23, 1987.

Certified and signed this
8th day of May 1987.

Robert Hutner
Secretary

Louie A. Spatt, Sr. requests a Change of Zone from R-3 to B-3-B.

Location: 140 E. Creighton Ave.

Legal: N 95' of Lot 351 Hamilton's Fourth Addition

Land Area: Approximately 0.196 Acres

Surroundings:

North	R-3	Residential
South	R-3	Residential
East	R-3	Park & Residential
West	B-3-B	Commercial

Reason for Request: Used car sales

Neighborhood Assoc.: LaRez Neighborhood Association

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land use and should not establish an undesirable precedent in the area to be developed. The three main goals in the Central Area, where this request is located, are; 1) to maintain existing development; 2) to halt deterioration, and; 3)to encourage re-investment.

Urban Design: If approved, should require a minimum 3 ft. high screen of parking areas against the street frontages, and meet other Z-10 requirements.

Neighborhood Plan: The location of the rezoning petition is within the area identified in the Larez Neighborhood Plan. In general, the plan states, "The integrity of the residential core should be preserved by preventing the spread of industrial and commercial land uses into residential areas." Furthermore, the commercial land use recommendation in the Plan states: "Any expansion of general business along Clinton and Lafayette Streets should be discouraged; however, a mixture of multi-family structures and offices that would be compatible with nearby homes could be allowed in certain places. Though these streets are major traffic corridors, they are in residential areas and any further encroachment by business is not desirable. The Neighborhood Association

does recognize that, because of the traffic, this policy must be flexible enough to allow some development. It is therefore recommended that higher density land uses be allowed, if compatible, along this corridor." Keeping the aforementioned passages in mind, I believe it would be inappropriate and against the spirit of the Larez Neighborhood Plan to rezone this lot in order to allow a used car business to operate there.

Planning Staff Discussion:

This parcel has residential uses located on three sides of it, with a commercial use located immediately west, which is also owned by the petitioner. It appears that the commercial use may be a 'legal non-conforming' use. However, complaint records seem to indicate that the petitioned parcel has been used for commercial parking, without a variance ever being granted, and without being upgraded to meet the Z-10 ordinance requirements.

Approval of this request would allow commercial encroachment into residential districts, setting a bad planning practice. The negative influence on the residential character of the neighborhood would appear to be contrary to the goals of the Comprehensive Plan, and may in fact lead to additional deterioration. Some of the B-3-B uses could cause additional adverse impact to existing uses, due to possible traffic conflicts and the associated effects on residential properties.

Clinton Street is a major traffic corridor, and is used not only by residents, but also by visitors to the city. In our efforts to improve the image of the city by increasing streetscape uses, improvements to parks etc. we need to seriously consider the long term effect that rezoning in those areas will cause.

Recommendation: Do Not Pass

1) Approval could create a negative influence on the surrounding land uses.

2) Approval could discourage reinvestment in residential uses in the area.

3) The size of the parcel, being 50X95, could contribute to safety concerns/traffic conflicts if allowed to develop for used car sales. (A larger parcel could accommodate more access considerations.)

The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

8 May 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-04-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
8th day of May 1987.

Robert Hutner
Secretary

FACT SHEET

Z-87-04-08

BILL NUMBER

--

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

From R-1 to B-1-B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

1800 Block of Coliseum Bl, North

Reason for Project

Future business development.

Discussion (including relationship to other Council actions)

20 April 1987 - Public Hearing

Tom Jehl, petitioner stated he was requesting the rezoning for business development. He stated that the staff has recommended that Nevada Avenue be the access, he stated he has no problem with that. He intends to put Nevada Avenue into Inwood Drive and then go north on Inwood Drive to the existing concrete street. Mr. Jehl questioned the recommendation of the staff with regard to the need for a frontage road. He stated if this parcel is developed as one parcel he did not see the need for a frontage road.

V.C. Seth stated that the frontage road would not be applicable if the entire 6 lots he is requesting rezoned, are retained by and used by the same owner. He stated that half of the lots front on Inwood and half on Coliseum, if they are split then a frontage road would be required.

Mr. Jehl stated that he is directly adjacent to the Elegant Farmer Restaurant. He stated if he had a frontage road it would run directly into their parking lot.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Thomas P. Jehl **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	☒ For ☐ Against **Reason Against**
Board or Commission Recommendation	**By** ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

He stated that he did not feel that a 40 foot frontage road was applicable in any form. He stated that he can access his property from Inwood and from Nevada and it is going to be developed as one property.

Steve Smith stated that the idea of a frontage road is that there be no access off of Coliseum Bl., that is all the staff is recommending.

Mr. Jehl questioned if that would be no frontage road.

Steve Smith stated that is correct.

Mr. Jehl questioned the need for landscaping in the form of a 3 foot high landscape screen along Coliseum as it would block the view of the people working in the offices. He stated they are not objecting to landscaping along Lot #84 to protect the resident immediately adjacent to that lot. He stated that he would request that the landscape requirements with the exception of screening Lot #84 be waived.

V.C. Seth pointed out that the landscaping as Mr. Jehl described it was not a staff recommendation, the only landscaping they are listing as a condition is the screening of Lot #84. He stated the other landscaping is merely a suggestion from the Landscape Architect and not a condition.

Steve Smith questioned if he had any use in mind for the property.

Project Start **Date** 3/10/87

Projected Completion or Occupancy **Date** 5/8/87

Fact Sheet Prepared by **Date** 5/8/87
Patricia Biancaniello

Reviewed by **Date** 5/11/87
Gary Baxter

Reference or Case Number

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Mr. Jehl stated he did not.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

27 April 1987 - Business Meeting

Motion was made to return the ordinance t the Common Council with a DO PASS recommendation subject to the following conditions:

1) Only one access from Nevada Av and one from Inwood Dr be granted to this sit The access from Inwood be located at least 20 feet north from the north lot line of Lot #75.

2) Landscape buffer, to be approved by CD&P Landscape Architect, to be installed at the east property line of Lot #84.

3) Any other existing or temporary driveways, except those mentioned above, shall be subject to review and closure, by the owner, at the discretion of the Traffic Engineering Department.

4) Nevada Avenue must be constructed to City Standards.

Motion carried.

Of the 8 members present 6 voted in favor of the motion, one voted against and one did not vote.

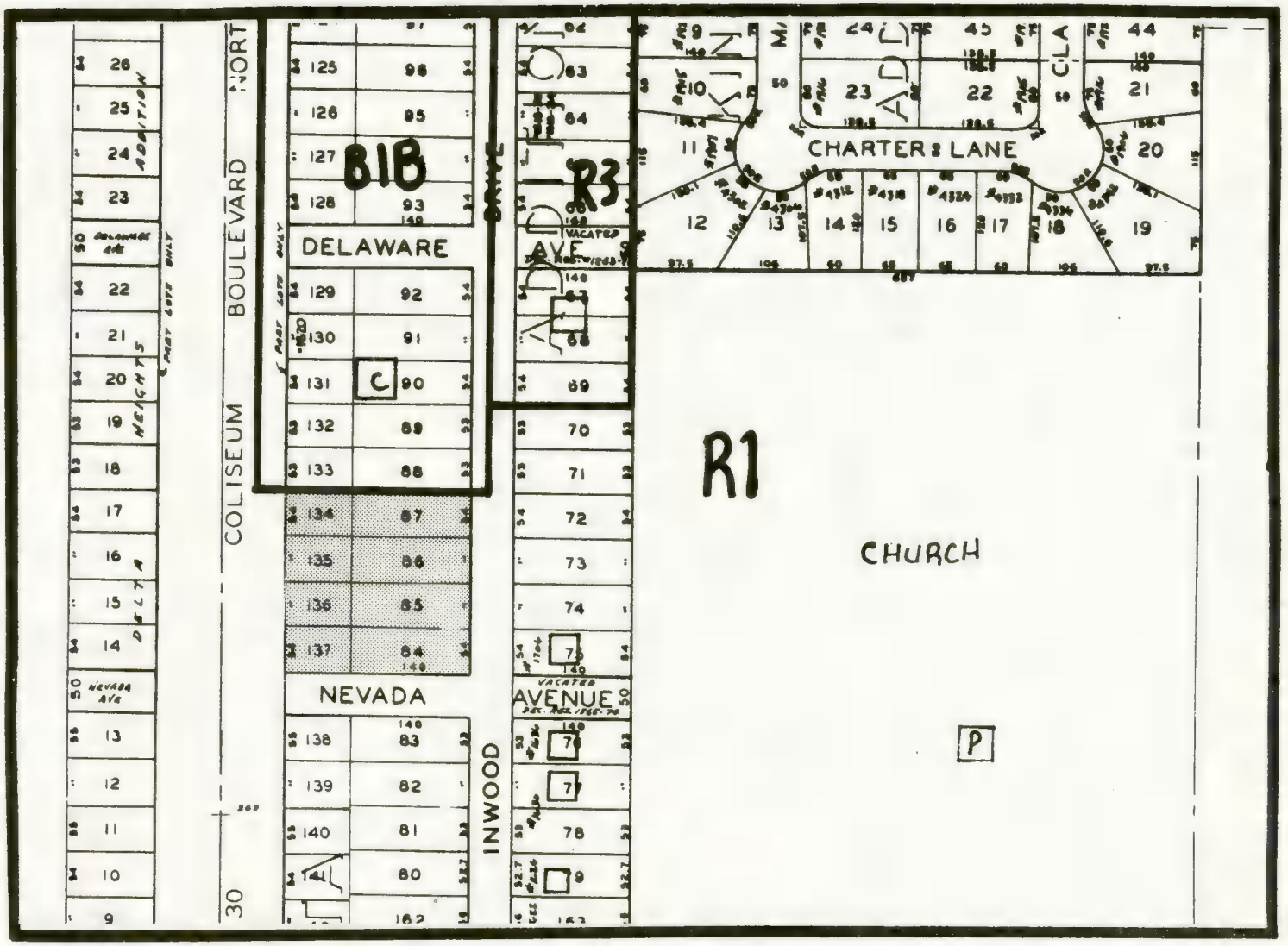
NOTE: The petitioner has agreed in writing to the stated conditions.

REZONING PETITION #26-1

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO A B-1-B DISTRICT.

MAP NO. S-14

COUNCILMANIC DISTRICT NO. 2



ZONING:

R1 RESIDENTIAL DISTRICT
R3 RESIDENTIAL DISTRICT
B1B LIMITED BUSINESS 'B'

LAND USE:

☐ SINGLE FAMILY
Ⓒ COMMERCIAL
Ⓟ PUBLIC

SCALE: 1" = 200'

DATE: 4-1-87

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 14, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-04-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held April 27, 1987.

Certified and signed this
8th day of May 1987.

Robert Hutner
Secretary

Rezoning Petition # 261

Thomas P. Jehl requests a change of zone from R-1 to B-1-B

Location:	1800 Block Coliseum Blvd. North		
Legal:	Lots 84-87 and 134-137 Delta Heights Addition		
Land Area:	Approximately 1.06 Acres		
Surroundings:	North	B-1-B	Commercial
	South	R-1	Open (B-1-B is pending)
	East	R-1	Open & Residential (POD)
	West	R-1	Residential
Reason:	Not stated		
Neighborhood Assoc.:			

Landscape: Require perimeter screening of parking areas on site. Six foot height as minimum along Inwood Drive, three (3) foot height minimum along Nevada and Coliseum.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezonings and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. In the Middle Ring, where this request is located, the Goal is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Plan: No comment.

Planning Staff Discussion:

Examination of the overall area has indicated a strong potential for commercial development along the Coliseum Blvd. corridor, with associated buffering designations used to the east.

There is a B-1-B rezoning pending for the parcel immediately south of Nevada Ave. That rezoning will extend commercial designations from the Lake Ave. intersection to Nevada Ave. Subsequent approval of this request will extend this area to State Blvd., and will provide for future growth along this corridor.

Petition # 261

While we recommend approval of the petition, we do have some concerns regarding the development. We do not wish to see additional access granted from Coliseum Blvd., as increased access locations would present the potential for traffic congestion and associated problems. Coliseum Blvd. is already a heavily travelled roadway.

On the south side of Nevada, as a condition to that rezoning, we required a frontage road agreement, to assure access. That should not be included on this petition as, with the pending P.O.D. rezoning on Inwood Drive, access may occur along that street frontage, as well as from Nevada.

Recommendation: Conditional Approval, contingent upon the developer satisfying the following items:

1) Access to the subject property to be permitted only from Nevada Avenue and the location of this access shall be approved by the City Traffic Engineering Department. No access to the subject property shall be granted from Inwood Drive as long as the land use on Lot 75 in Delta Heights Subdivision is residential. No access to subject property shall be granted to Coliseum Blvd.

2) Landscape buffer, to be approved by CD&P Landscape Architect, to be installed at the east property line of Lot #84.

3) Petitioner is to provide a recorded document, in a form acceptable to the Commission's attorney, agreeing to the following:

a) Petitioner shall grant a 40 foot wide ingress/egress easement along the front of subject property, to be used as a frontage road.

b) Petitioner shall construct, and maintain, such frontage road to applicable City standards.

c) Any driveway shall be subject to review and closure, by the owner, at the discretion of the Traffic Engineering Department.

d) Any obstructions to the frontage road, including sight obstructions, shall be removed at the owner's expense.

Reasons:

1) Commercial uses along Coliseum Blvd. see to be the most appropriate land use in this area.

2) Approval will be in the best interest of the continued growth

Petition #261

3) Approval will not have an adverse impact on any adjacent property owner.

The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

8 May 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-04-10

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
8th day of May 1987.

Robert Hutner
Secretary

Division of Community Development & Planning

FACT SHEET

BILL NUMBER --

BRIEF TITLE Zoning Ordinance Amendment From R-3/R-2 to R-1

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

500-700 Blocks of Lawton Place
500-700 Blocks of Riverside Avenue

Reason for Project

Discussion (Including relationship to other Council actions)

20 April 1987 - Public Hearing

John Meinzen, 631 Lawton Place stated that the residents are concerned about their neighborhood and are trying to enhance the quality of the area with the downzoning. He stated that on Lawton Place 71% of the homes in the area are owner occupied and 71% signed the petition. He stated that on Riverside Avenue 80% are owner occupied and 69% signed the petition, which is a combined rate of 68%. He stated that the land usage is presently 75% single family, 18% duplex, 6% multi-family and 1% is a vacant lot, which is a small park. He stated that this is the first phase of a planned three phase downzoning for the entire association. He stated they want the rezoning in order to stabilize the growth of the neighborhood, to prevent the growth of absentee landlords and to enhance the home and land values and to prevent a deterioration of parking in the area due to the multi-family dwellings.

Danna Ridenour, 738 Riverside, stated that she and her husband owned two properties in the are. She did not feel that a

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Spy Run Neighborhood Assn **City Department** **Other**
Opponents	**Groups or Individuals** Danna Ridenour **Basis of Opposition** -rezoning would not eliminat parking problems in area
Staff Recommendation	☒ For ☐ Against **Reason Against**
Board or Commission Recommendation	**By** ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pas

DETAILS

rezoning would eliminate the parking problem in the area. She stated that even though there is parking behind the homes most people still park on the street. She stated that many of the families have more than one car. She stated that single family residences are rented to more than one person and they each have their own car. She stated that you can have absentee landlords even with single family dwellings.

Tom Pearson, 613 Wagner Street, President of the Spy Run Neighborhood Assn., stated that there is a parking problem in the area but it stands to reason that if you allow more homes to be made into multi-family dwellings it will generate more cars and more traffic.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

27 April 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the 8 members present 7 voted in favor of the motion one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 20 March 1987

Projected Completion or Occupancy **Date** 8 May 1987

Fact Sheet Prepared by **Date** 8 May 1987

Patricia Biancaniello

Reviewed by **Date** 5/11/87

Gary Bretz

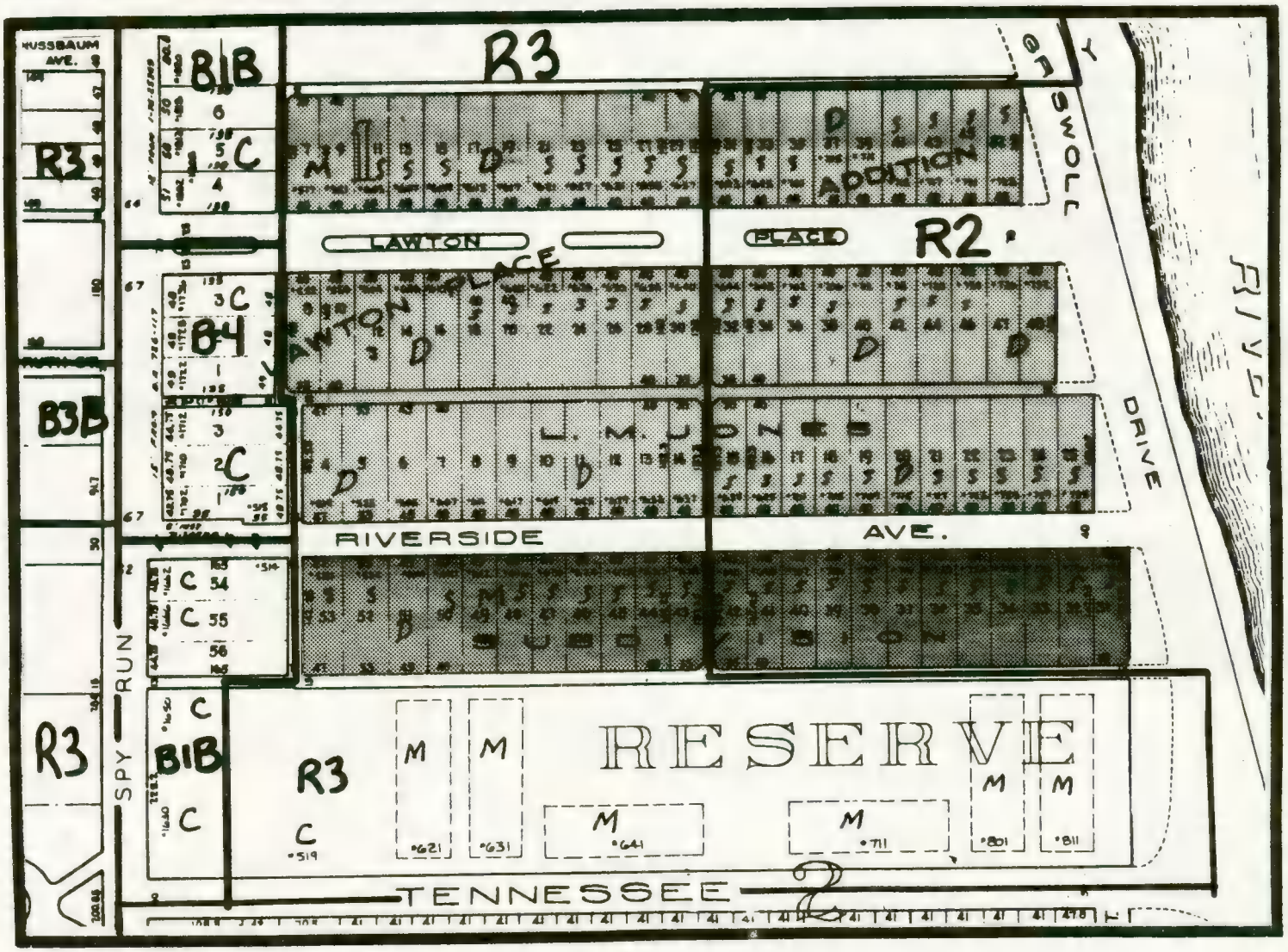
Reference or Case Number

REZONING PETITION #466

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R-2/R3 DISTRICT TO AN R-1 DISTRICT.

MAP NO. N-14

COUNCILMANIC DISTRICT NO. 3



ZONING:

R2 RESIDENTIAL DISTRICT
R3 RESIDENTIAL DISTRICT
B1B LIMITED BUSINESS 'B'
B3B GENERAL BUSINESS 'B'
B4 ROADSIDE BUSINESS

LAND USE:

S SINGLE FAMILY
D DUPLEX
C COMMERCIAL
M MULTI-FAMILY

N

SCALE: 1" = 200'

DATE: 3-31-87

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 14, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-04-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held April 27, 1987.

Certified and signed this
8th day of May 1987.

Robert Hutner
Secretary

Rezoning Petition # 266

The Spy Run Neighborhood Association requests a change of zone from R-2 and R-3 to R-1.

Location:	500-600-700 Blocks of Lawton Place and 500-600-700 Blocks of Riverside Ave.		
Legal:	See File		
Land Area:	Approximately 13.31 Acres		
Zoning:	R-2 and R-3		
Surroundings:	North	R-3	Multi-family residential
	South	R-3	Multi-family residential
	East	River	
	West	B1B/B-4 B3B/R-3	Mixed / Commercial
Reason:	Downzoning		
Neighborhood Assoc.:	Spy Run Neighborhood Association		

Landscape: No comment.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezonings and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. In the Middle Ring, where this request is located, the Goal is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Plan: The location of the downzoning petition is within an area identified as the Spy Run Neighborhood Association. Although there is no comprehensive plan for this neighborhood, it is also designated as a neighborhood strategy area (NSA) which has its own plan with specific land use and zoning objectives. This plan states; "Downzone the existing R-3 zoning north of Tennessee Avenue to R-1.", and, "Downzone the existing R-2 zoning to R-1."

Petition #266

Planning Staff Discussion:

The Spy Run Neighborhood Association has requested a downzoning from R-2 and R-3 to R-1. They have gathered a majority of property owners in support of the petition, and have worked closely with the Neighborhood Planning staff on achieving this goal. The percentage of property owners represented on this petition are: 71% on Lawton Place and 64% on Riverside, for an overall percentage of 67.88%.

This is an older area of the city, and has predominately single family residential uses, most of which are owner occupied. There would be approximately 10 non-conforming uses in this area if the rezoning is approved. A legal non-conforming use may continue in existence, providing that such use is not stopped or vacated for a 12 month period. After 12 months of 'non-usage', permitted uses would default to those permitted in the new zoning classification.

It appears that the intent of the residents and property owners of this immediate area is to unite in a positive manner, to preserve and to enrich the residential life styles that they have adopted. Since a majority of the property owners in the petitioned area endorse this petition, we see no tenable objection.

These residents and owners should be commended on their ability to work together to achieve improvements in their neighborhood.

Recommendation: Do Pass

1) Approval would encourage re-investment in the area, especially in owner-occupied units.

2) Approval will serve as a stabilizing factor in the neighborhood.

3) Approval would be the desire of the majority of the property owners effect.

The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

8 May 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-04-12

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
8th day of May 1987.

Robert Hutner
Secretary

Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE
Zoning Ordinance Amendment
From R-1 & R-3 to POD

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
1800 Block of Inwood Drive

Reason for Project
Professional Office Development

Discussion (Including relationship to other Council actions)

20 April 1987 - Public Hearing

Tom Jehl, petitioner stated that as far as the rezoning is concerned the staff recommends approval as it will serve as a buffer to the property to the east and it is an extension of offices that are already on Inwood Drive. He stated there is nothing major to be dealt with on the rezoning request. He did however have questions regarding the approval of the primary development plan but stated he would gladly meet with staff to work out any problems prior to submittal of the final development plan. His concerns related to the limiting of the signage on the property and the need for buffering.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

NOTE: Any conditions placed on a POD are placed on the primary and secondary development plans and not on the rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Jehl Homes Corporation **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

27 April 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the 8 members present 6 voted in favor of the motion one (1) voted against and one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 18 March 1987

Projected Completion or Occupancy **Date** 8 May 1987

Fact Sheet Prepared by **Date** 8 May 1987

Patricia Biancaniello

Reviewed by **Date**

Gary Baetz 5/11/87

Reference or Case Number

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 14, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-04-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held April 27, 1987.

Certified and signed this
8th day of May 1987.

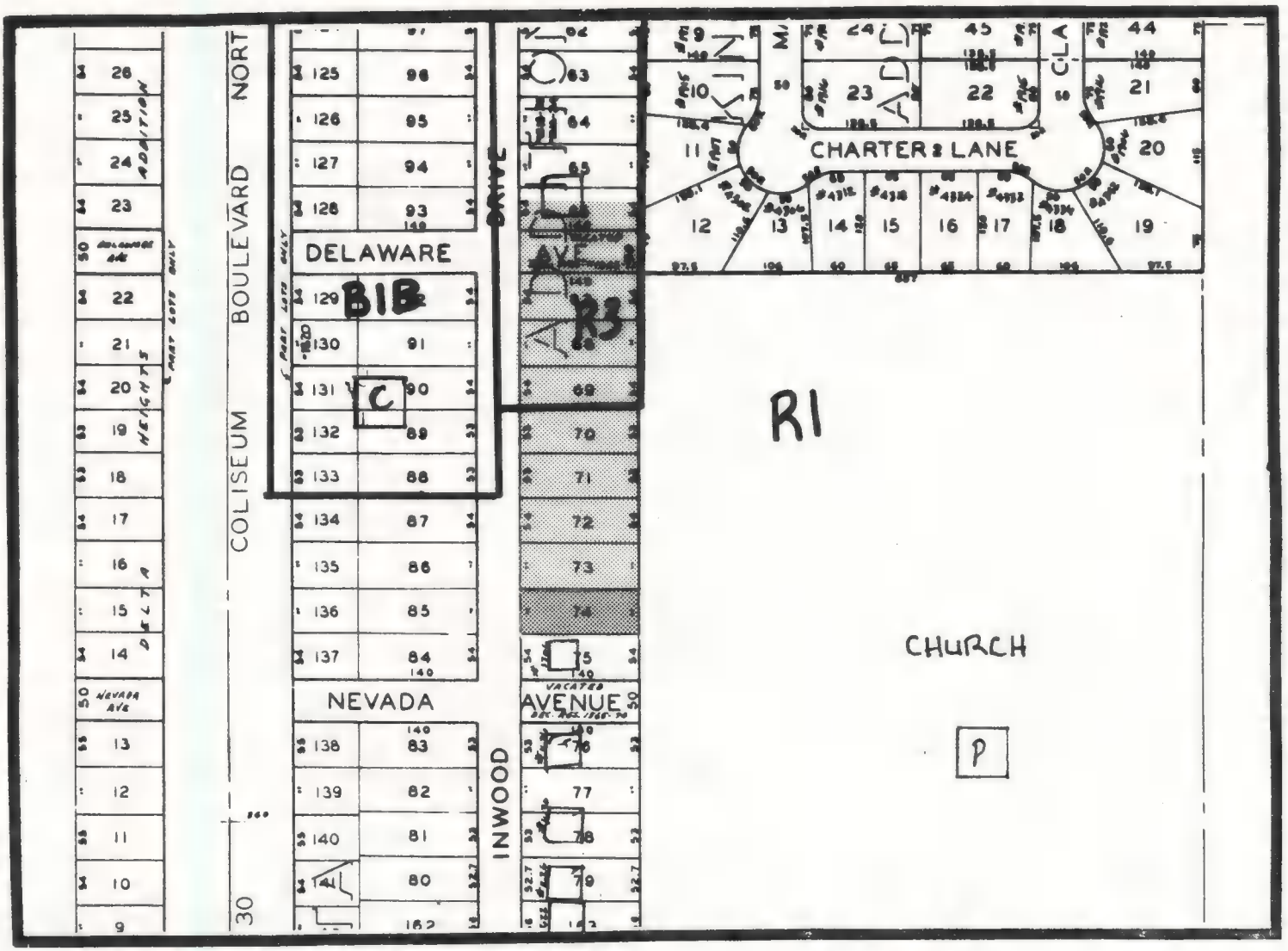
Robert Hutner
Secretary

REZONING PETITION

A PETITION TO AMEND THE ZONING MAP BY RCLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 & R-3 DISTRICT TO A P.O.D. DISTRICT.

MAP NO. S-14

COUNCILMANIC DISTRICT NO. 2



ZONING:

R1 RESIDENTIAL DISTRICT
R2 RESIDENTIAL DISTRICT
B1B LIMITED BUSINESS 'B'

LAND USE:

☐ SINGLE FAMILY
[C] COMMERCIAL
[P] PUBLIC

N

SCALE: 1" = 200'

DATE: 4-1-87

Rezoning Petition # 260

Jehl Homes Corporation requests a change of zone from R-1 and R-3 to P.O.D.

Location:	1800 Block of Inwood Drive.		
Legal:	See file		
Land Area:	Approximately 1.6 Acres		
Surroundings:	North	B3B/R3/R1	Mixed
	South	R-1	Single Family Residential
	East	R-1	Church & Residential
	West	B1B/R-1	Commercial & Open
Reason:	Profession Office Development		
Neighborhood Assoc.:	Kingston Park Association		
Landscape:	No comment		

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezonings and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. In the Middle Ring, where this request is located, the Goal is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Plan: No comment

Planning Staff Discussion:

This area of Inwood Drive has recently been reviewed by the Plan Commissions staff regarding the potential of various developmental uses. Predominate appeal appears to lie with the concept of the Professional Office Development. There are existing offices to the north and to the south on Inwood Drive, with the Coliseum Blvd. frontage being developed commercially.

The Plan Commission has most recently looked at the Coliseum Blvd. parcel directly south of Nevada Ave., and will be looking at two petitions in this area this month.

Office uses, especially with the concept of a planned development will provide effective buffering of the Coliseum Blvd. uses from the more residential uses and properties to the east. This transitional use protects lower intensity uses, and helps preserve property values.

Petition # 260

Recommendation: Do Pass

1) Approval would allow a continuation of office development located to the north.

2) Approval would allow the area to serve as a transitional area for uses on either side.

3) Approval would be in keeping with the established land uses in the area, and with projected uses.

The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development & Planning

8 May 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-04-13

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
8th day of May 1987

Robert Hutner
Secretary

FACT SHEET

Z-87-04-13

BILL NUMBER

--

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment
From R-1 to POD

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

2708 Lake Avenue

Reason for Project

Professional Office Development

Discussion (Including relationship to other Council actions)

20 April 1987 - Public Hearing

Ron Menze, an architect with Archonics stated that the firm had been retained by the petitioner, Surgical Associates Inc. He stated that this site consists of 4.77 acres and is located in front of the City of Fort Wayne settling lagoons. He stated that the trend for professional offices along Lake Avenue is definitely there. He stated that although they are close to the area that has flooded in the past they have obtained approval from the Indiana Department of Natural Resources concerning development on this piece of ground. He stated they are in complete agreement with the planning staff's recommendation on the development plan. He felt the only exception is the requirement for sidewalks but stated that they would work with staff about their concern. He stated that there are no sidewalks on either side of this piece of ground and they would like that requirement waived from the development plan approval.

Edith Kenna questioned if the staff had a

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Beverly & Elmer Franzman **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

copy of the IDNR approval for them to build in this area.

Wayne O'Brien, Planner with CD&P stated that they are not building in the floodway, and that there is a copy of the approval from IDNR in the development plan file.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

27 April 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the 8 members present 7 voted in favor of the motion one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 20 March 1987

Projected Completion or Occupancy **Date** 8 May 1987

Fact Sheet Prepared by **Date** 8 May 1987

Patricia Biancaniello

Reviewed by **Date** 5/11/87

Doug Barton

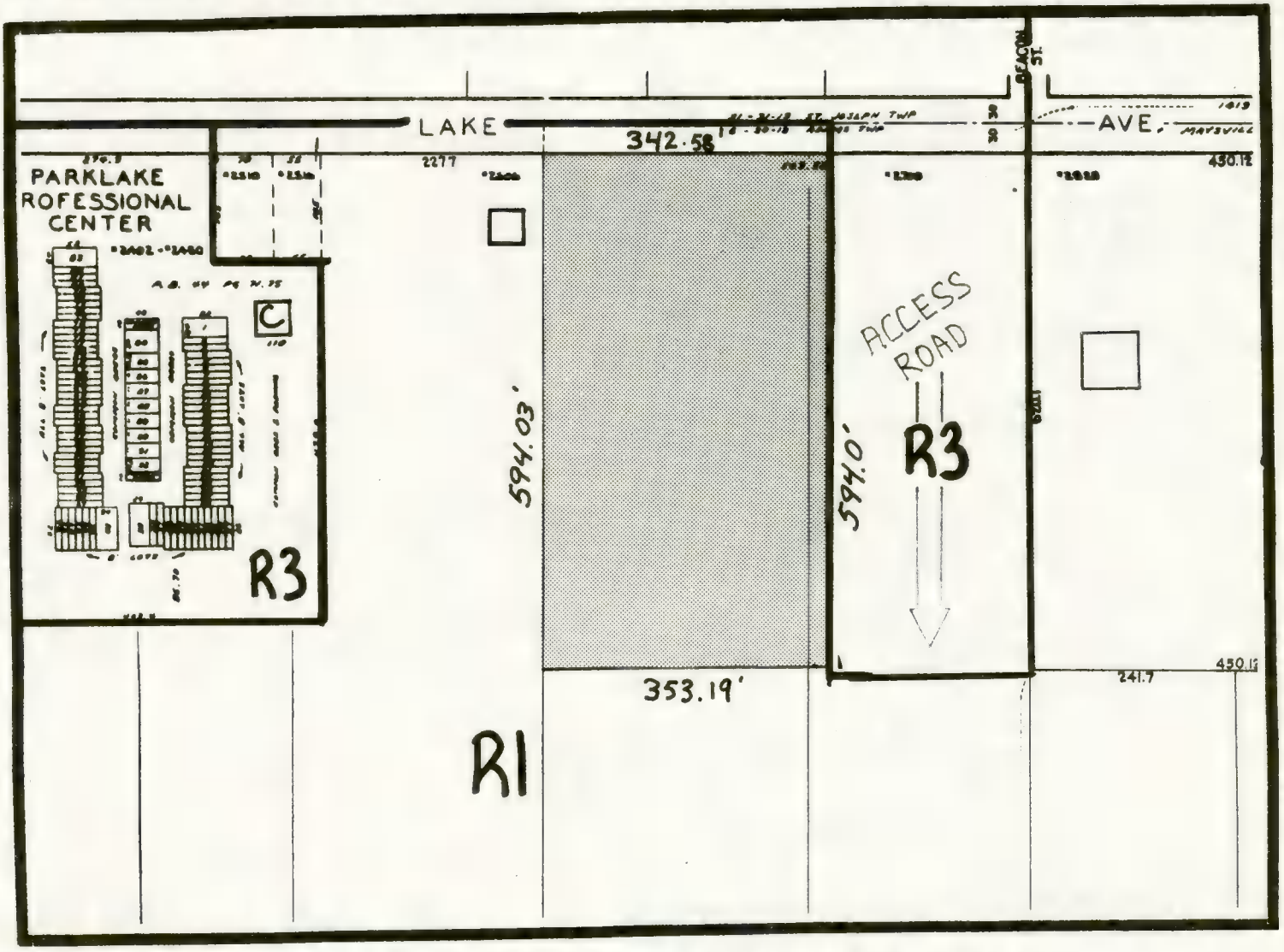
Reference or Case Number

REZONING PETITION #857

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO A P.O.D. DISTRICT.

MAP NO. Q-10

COUNCILMANIC DISTRICT NO. 2



ZONING:

R1 RESIDENTIAL DISTRICT
R3 RESIDENTIAL DISTRICT

LAND USE:

□ SINGLE FAMILY
Ⓒ COMMERCIAL
Ⓟ PUBLIC

N

SCALE: 1" = 220'

DATE: 4-1-87

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 14, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-04-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held April 27, 1987.

Certified and signed this
8th day of May 1987.

Robert Hutner
Secretary

Rezoning Petition # 259

Beverly and Elmer Franzman request a change of zone from R-1 to P.O.D.

Location:	2708 Lake Ave.		
Legal:	See file		
Land Area:	Approximately 4.77 Acres		
Surroundings:	North	R-3	Open and Residential
	South	R-1	CFW Settling Lagoons
	East	R-3	Access road/residential
	West	R-1/R-3	Open / Offices
Reason:	Professional Office Development		
Neighborhood Assoc.:	No Association		

Landscape: No comment.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezonings and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

Neighborhood Plan: No comment.

Planning Staff Discussion:

This site sits to the direct north of the City's Settling Lagoons, and directly west of the access road used to serve the Lagoon area. East of the access road is a residential property, set well back from Lake Ave. To the west is a residential property, a large open area, and an office development.

The site would appear to be suited for a Professional Office Development, as the potential for residential development is fairly low in this area. The impact of office development along Lake Ave., coupled with existing traffic characteristics have not been conducive to residential land uses. Further, P.O.D.'s serve as transition areas, protecting lower intensity land uses.

Petition # 259

We have no objection to the rezoning, as a P.O.D. would be an appropriate use in this area. Additionally, the rear of this parcel is located in the floodway, and this proposal will allow for full utilization of the potential of this parcel.

Recommendation: Do Pass

1) The potential for residential development in this area is not great, and approval of this request may be in the best interest of continued growth.

2) Approval will not adversely impact the surrounding properties.

3) Approval will allow utilization of a floodway fringe area, in a manner of preferred development.

The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development & Planning

8 May 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-04-14

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
8th day of May 1987.

Robert Hutner
Secretary

FACT SHEET

Z-87-04-14

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE Zoning Ordinance Amendment From R-1 to POD

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

4309 W. Jefferson Bl

Reason for Project

Professional Office Development

Discussion (Including relationship to other Council actions)

20 April 1987 - Public Hearing

Dr. John Goebel, petitioner stated that this property was across the street from the proposed Apple Glen Shopping Center. He stated that the use of the property for a chiropractic office would act as a buffer to the residential properties south from the commercial developments along West Jefferson. He stated that he intended to develop his practice on the property. Dr. Goebel questioned the conditions placed on the property reqarding the signage and the staff requirement regarding the installation of street lighting along the front of his property. He stated that there are other professional offices along here and they do not have street lighting in front of their properties. He also questioned the need for a 30 foot landscape buffer along the south property line. He stated that there is a natural wooded buffer there presently along the entire south property line.

Steve Smith stated that Dr. Goebel should meet with the staff and address those questions to the appropriate departments.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Dr. H. John Goebel, D.C. **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	☒ For ☐ Against **Reason Against**
Board or Commission Recommendation	**By** ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

Any conditions placed on a POD are placed on the primary and secondary development plans and not the rezoning.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

27 April 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the 8 members present 7 voted in favor of the motion one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 20 March 1987

Projected Completion or Occupancy — Date 8 May 1987

Fact Sheet Prepared by — Date 8 May 1987

Patricia Biancaniello

Reviewed by — Date 11 May 1987

Gary Barton

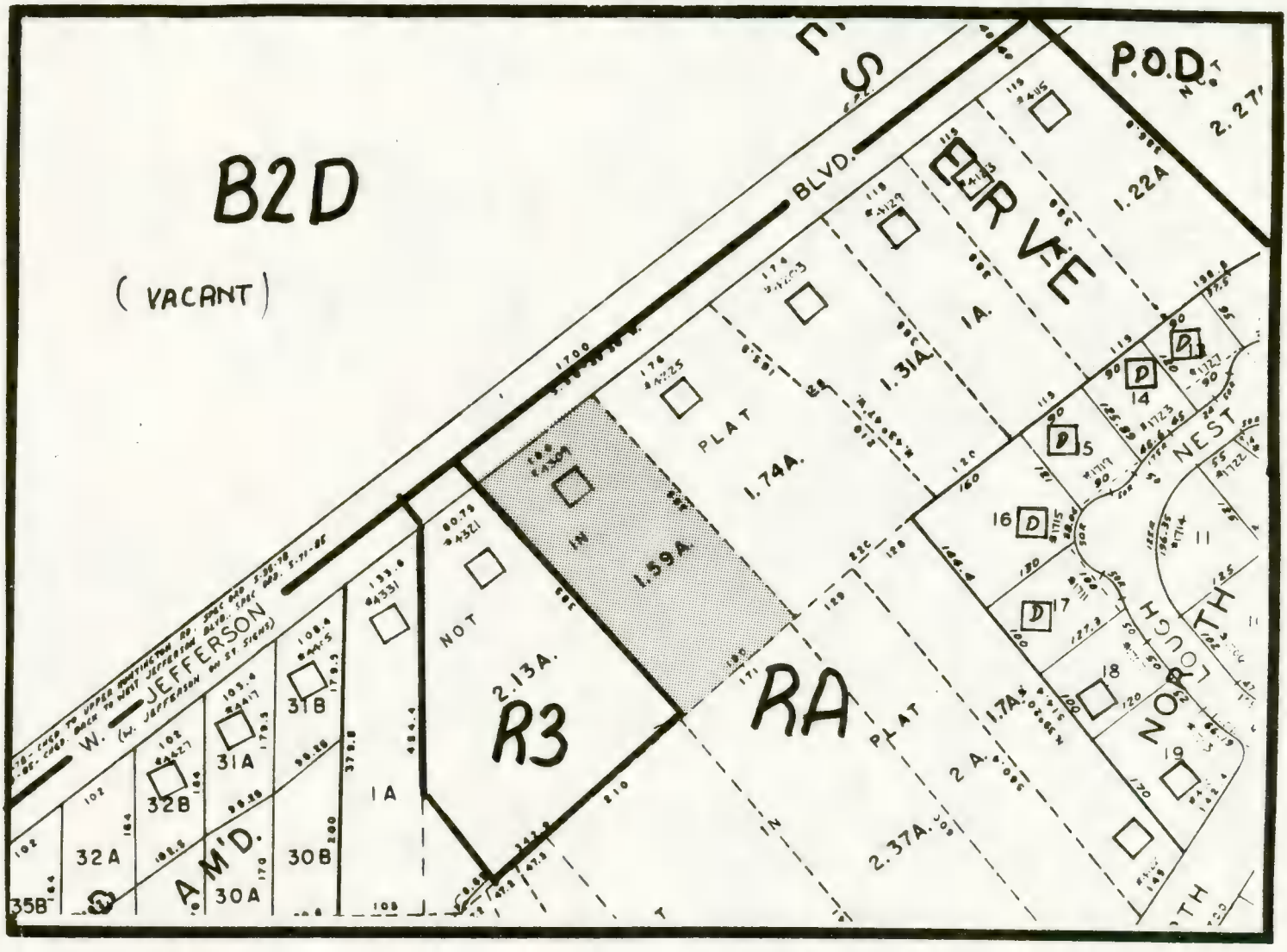
Reference or Case Number

REZONING PETITION #264

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-A TO A P.O.D. DISTRICT

MAP NO. G-2

COUNCILMANIC DISTRICT NO. 4



ZONING:

B2D REGIONAL SHOPPING CENTER
P.O.D. PROFESSIONAL OFFICE DISTRICT
R3 RESIDENTIAL DISTRICT
RA RESIDENCE 'A'

LAND USE:

□ SINGLE FAMILY
Ⓓ DUPLEX

N

SCALE: 1" = 200'

DATE: 4-1-87

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 14, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-04-14; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held April 27, 1987.

Certified and signed this
8th day of May 1987.

Robert Hutner
Secretary

Rezoning Petition # 264

Dr. H. John Goebel, D.C., agent for Anthony Vincent and Toni Mante, requests a change of zone from RA to P.O.D.

Location:	4309 W. Jefferson Blvd.			
Legal:	See file			
Land Area:	Approximately 1.59 Acres			
Zoning:	RA			
Surroundings:	North	B-2-D	Apple Glen	
	South	RA	Single Family	
	East	RA	Residential	
	West	R-3/RA	Residential	
Reason:	Professional Office Development			
Neighborhood Assoc.:	No Association			
Landscape:	No comment.			
Comprehensive Plan:	The General Land Use Policies of the Comprehensive Plan state that rezonings and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The Goal in the West Sector, where this request is located, is to contain urban growth within the urban service line.			
Neighborhood Plan:	No comment.			

Planning Staff Discussion:

The Plan Commission has determined that this area of West Jefferson Blvd. is acceptable for office development. The property is located across the street from the proposed Apple Glen, and could serve to buffer the residential uses south from the commercial developments along West Jefferson Blvd.

The use of a planned designation for office development allows for Plan Commission approval of the site development plan, and requires a public hearing, which allows area residents the opportunity for input.

Petition # 264

We have no objection to the petition, and will address the development plan separately.

Recommendation: Do Pass

1) Approval would be in compliance with the Plan Commissions established policies for this area.

2) The character of land use has been changing along this corridor, and approval will allow for controlled and continued growth.

3) Approval will allow for a continuation of the use of this type of development as a transitional tool, between commercial and residential uses.

The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development & Planning

8 May 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of public right-of-way.

The proposed ordinance is designated as:

BILL NO. G-87-01-24

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
8th day of May 1987.

Robert Hutner
Secretary

FACT SHEET

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
The N/S alley between Calhoun & Harrison, & extending from Wallace Street to the 1st alley north.

Reason for Project

To enlarge the parking area and facilitate the growth of Kelley Buick.

Discussion (Including relationship to other Council actions)

26 January 1987 - Public Hearing

Minutes of Public Hearing Are Attached

2 February 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.

Of the 7 members present 6 voted in favor of the approval one did not vote.

NOTE: This ordinance was being held until the petitioner satisfied a condition from Street Light Engineering that they would reimburse the City for relocation of street lights in the petitioned area if necessary. This condition has been satisfied.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** BTS Realty **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date December 12, 1986

Projected Completion or Occupancy Date May 8, 1987

Fact Sheet Prepared by Date May 8, 1987

Patricia Biancaniello

Reviewed by Date 5/11/87

Reference or Case Number

b. Vacation Petition #239
A North/South alley between Calhoun and Harrison, and extending from Wallace to the first East/West alley north.

Neal Nagel, representing BTS Realty Inc, the petitioner appeared before the Commission. Mr. Nagel stated that currently the property to the east of the requested vacation is blocked off so that the only ingress/egress if from Calhoun Street. He stated they have the southern end of the alley blocked off in order to curtail theft. He stated they want to take down the fencing and open up the whole area and put a gate across the alley at the south end and fence the north end of the alley. He stated in that way they could contain everything within that perimeter. He stated they would do so by landscaping with railroad ties and landscape with planters approximately 2 1/2 to 3 feet high. He stated that they want it large enough to foot traffic but to prohibit car traffic. He stated also they would be able to allow traffic to use Wallace Street as well as Calhoun Street by opening up the area.

Mel Smith questioned how many homes abutted the alley.

Mr. Nagel stated that the petitioner owns all of the property there are no homes abutting this portion of alley.

Mel Smith questioned if vacated what type of security lighting would they be using.

Mr. Nagel stated that currently part of lot has outdoor security lighting which was put up by Shambaugh - decorative. He stated at this time they are working with I&M on the cost to bury all of the overhead lines in the alley and then they are putting up additional poles so that the whole lot will be lit with the same outdoor lighting that is there presently and also to increase the wattage in the lower levels light, most of them presently are just upper level lights.

Baron Biedenweg questioned if the closure of the alley affected the businesses to the north.

Neal Nagel stated no not in anyway. He stated that they never use this alley. He stated they are the only ones that use the alley. He stated that they have a cleanup shop that is on Harrison that has an outlet onto that alley and they use the alley for the cleanup shop.

Herman Friedrich questioned if they were going to run traffic out of the north end of the property.
Mr. Nagel stated that what they want to do is to close off the north end of the alley with fencing and put a gate on the south. He stated that by vacating the alley they could take down the fencing on the perimeter of the alley which now exists and open it up allowing traffic to use Wallace as well as Calhoun Street for access.

Harold Morthorst, 811 Old Farm Circle, representing the St: Vincent's DePaul Store appeared before the Commission. Mr. Morthorst stated that they did not have any opposition but he wanted to be clear as to where the traffic is going to go in the alley. He questioned whether they would get any ingress/egress from the north end of the alley. He questioned what was going to happen to the alley that runs east and west just south of Grand Avenue.

Steve Smith questioned if they would prefer this alley stay open or be vacated.

Mr. Morthorst stated they wanted to know that there was not going to be, a big influx of traffic in the alley between their warehouse and the store.

Steve Smith stated he (Mr. Morhorst) was concerned about the north/south alley - north of the point that they want to close is what they are concerned about.

Mr. Morthorst stated that was correct.

Dick Bean, 1345 W. Sherwood Terrace appeared before the Commission representing the St. Vincent's Depaul Store. He stated that he was concerned about traffic coming through the alley to the north of their request. He stated that if this would not increase the traffic he would not be against the vacation.

Neal Nagel stated that they are fencing the north end of the alley and it would be impossible for any traffic to go to the north. He stated they want to force all the traffic to the south.

Janet Bradbury questioned since they already own the property that abuts Wallace Street why do they not simply take the guard rail down that prohibits traffic from using Wallace for access.

Neal Nagel stated that the guard rail was there for security reasons in order to prevent theft, not to prevent traffic flow. He stated that what they want to do, by vacating, is secure the perimeter with landscaping and then use the properties on both sides of the alley as one lot and just secure the perimeter. He stated at night they would have a gate at the southern end that would be closed.

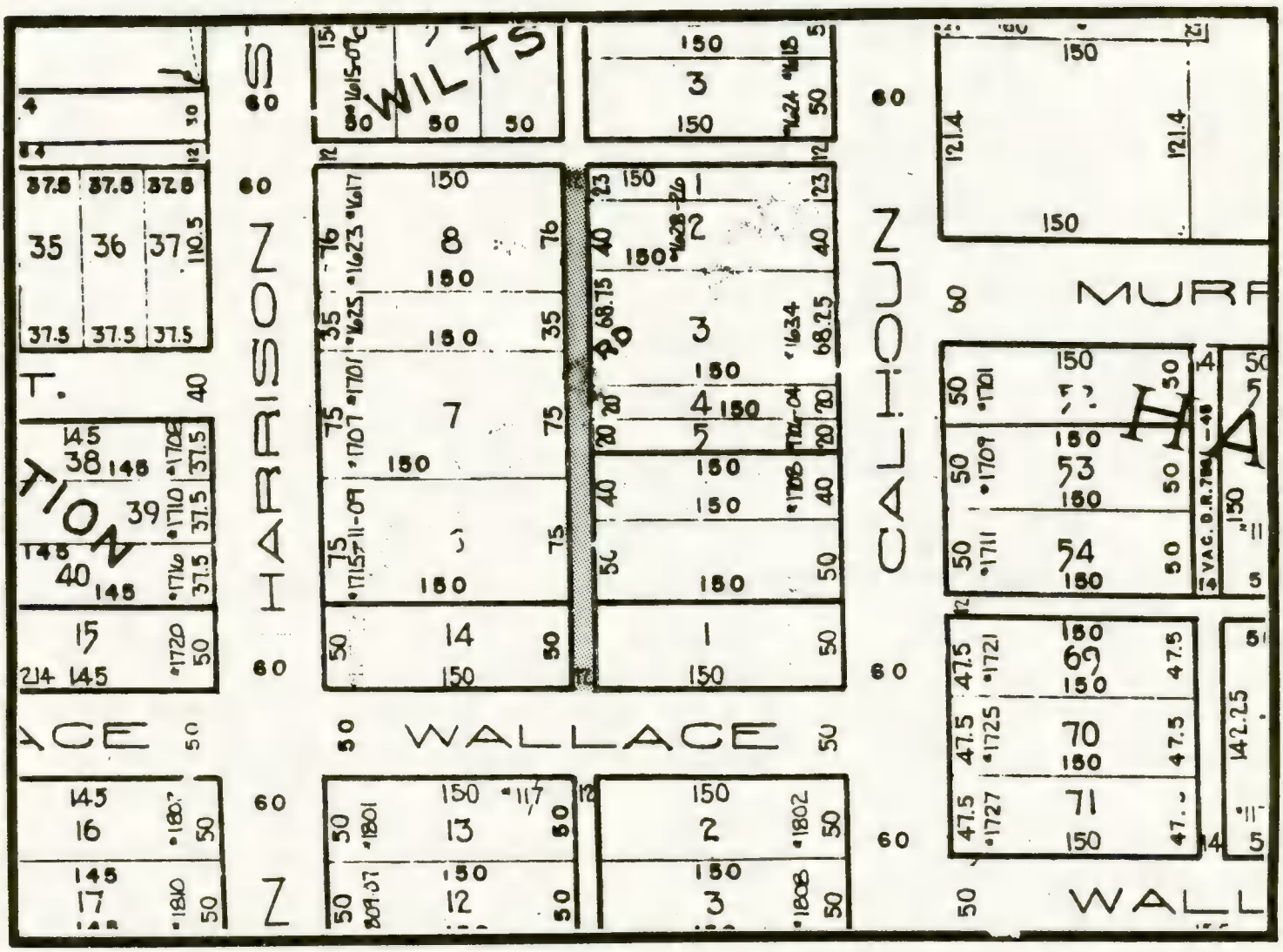
There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

VACATION PETITION #239

A. PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC ALLEY.

MAP NO. M-2

COUNCILMANIC DISTRICT NO. 1



ZONING:

LAND USE:

N

SCALE: 1"=100'

-5

DATE: 1-12-87

Vacation Petition # 239

BTS Realty Inc. requests the vacation of an alley.

Location: The north-south alley between Calhoun and Harrison, and extending from Wallace to the first east-west alley north.

Legal: See file

Zoning: D/N/A

Land Area: Approximately 3732 Square Feet.

Reason for Request: Growth of company and parking facility.

Neighborhood Plan: No Comment

Comprehensive Plan: No Comment

Planning Staff Discussion:

Petitioner states that this alley is not necessary to ingress/egress to other properties, and that no other person or firm would be affected by the approval of this petition. The petition has been signed by the petition and two other property owners.

It does not appear that the maintenance of said alley is necessary to the growth of the city. Approval may be in the best interest of the city and the other area residents and businesses.

There are over-head utility services in this alley, and provisions would have to be made for their relocation.

Recommendation: Do Pass, subject to petitioner providing utility easements as needed.

1) Approval will not impede any ingress/egress for other property owners.

2) Approval may improve the area by allowing a new parking facility to decrease the amount of street traffic.

3) Approval will add additional property to the City's tax base.

RESOLUTION 77-91-13

WHEREAS, MURRAY, INC., BTS REALTY, PATRICK BRUGGEMAN, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following a public alley in Fort Wayne, Allen County, to-wit:

> A 311 foot North/South alley whose western boundary is the eastern most boundary of Lots 6, 7 & 8 Wilts 3rd Addition and the eastern most boundary of Lot 14 Brandriff and Ayres Addition; whose eastern boundary is the western most boundary of Lots 1, 2, 3, 4 & 5 Wilts 3rd Addition and the western most boundary of Lot 1 Brandriff and Ayres Addition and the western most boundary of a 90' x 150' lot south of Lot 5 Wilts 3rd Addition and north of Lot 1 Brandriff and Ayres Addition; whose southern boundary exits to Wallace Street; whose northern boundary exits to an East/West alley 311 feet north of the southern exit to Wallace Street.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Barbara R. Budzinski, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held April 22, 1987 and as same appears of record in the official records of the Board of Public Works

DATED THIS 22nd DAY OF April, 1987

FORT WAYNE BOARD OF PUBLIC WORKS

Baron R. Biedenweg
Director of Public Works

Cosette R. Simon
Director of Administration & Finance

Lawrence D. Consalvos
Director of Public Safety

RESOLUTION

WHEREAS, MURRAY, INC., BTS REALTY, PATRICK BRUGGEMAN, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following a public alley in Fort Wayne, Allen County, to-wit:

> A 311 foot North/South alley whose western boundary is the eastern most boundary of Lots 6, 7 & 8 Wilts 3rd Addition and the eastern most boundary of Lot 14 Brandriff and Ayres Addition; whose eastern boundary is the western most boundary of Lots 1, 2, 3, 4 & 5 Wilts 3rd Addition and the western most boundary of Lot 1 Brandriff and Ayres Addition and the western most boundary of a 90' x 150' lot south of Lot 5 Wilts 3rd Addition and north of Lot 1 Brandriff and Ayres Addition; whose southern boundary exits to Wallace Street; whose northern boundary exits to an East/West alley 311 feet north of the southern exit to Wallace Street.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on January 26, 1987, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said public alley in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held February 2, 1987, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 8 DAY OF May 1987

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner, Secretary

The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development

6 March 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated street right-of-way and alley rights-of-way.

The proposed ordinance is designated as:

BILL NO. G-87-02-20

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
6th day of March 1987.

Robert Hutner
Secretary

FACT SHEET

G-87-02-20

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE Alley & Street Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

1) Riedel Pl from Pleasant Av west
2) E/W alley west of Pleasant S of State
3) N/S alley, N of Forest & W of Pleasant

Reason for Project

To enlarge the dealership parking for Kelley Chevrolet and for possible future expansion of an existing body shop.

Discussion (Including relationship to other Council actions)

23 February 1987 - Public Hearing

Vince Heiny, attorney for the petitioners stated that they were asking for the vacation of Riedel Place as well as the alleys in order to facilitate the expansion of Kelley Chevrolet dealership on West State. He stated that Mr. Kelley recently acquired all of the property along the north/south alley; on the east/west alley the south side is owned by Mr. Kelley the north side is owned by MBC Corp, and Mr. Kelley presently leases that property from MBC Corp. He stated that MBC Corp has also joined in the petition to vacate the two alleys. He stated that Riedel Place has never been opened. He stated that they were under the impression that Riedel Place had already been vacated, but were unable to find any documentation to verify that fact. He stated that none of the requested vacated right-of-ways has any use to the City in his opinion. He stated that they have no objection to providing utility easements as necessary.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** James Kelley & MBC Corporati **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

2 March 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner providing utility easements as needed, motion carried.

Of the 8 members present 7 voted in favor of the recommendation one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 13 January 1987

Projected Completion or Occupancy — Date 6 March 1987

Fact Sheet Prepared by — Date 6 March 1987

Patricia Biancaniello

Reviewed by — Date 5/--/87

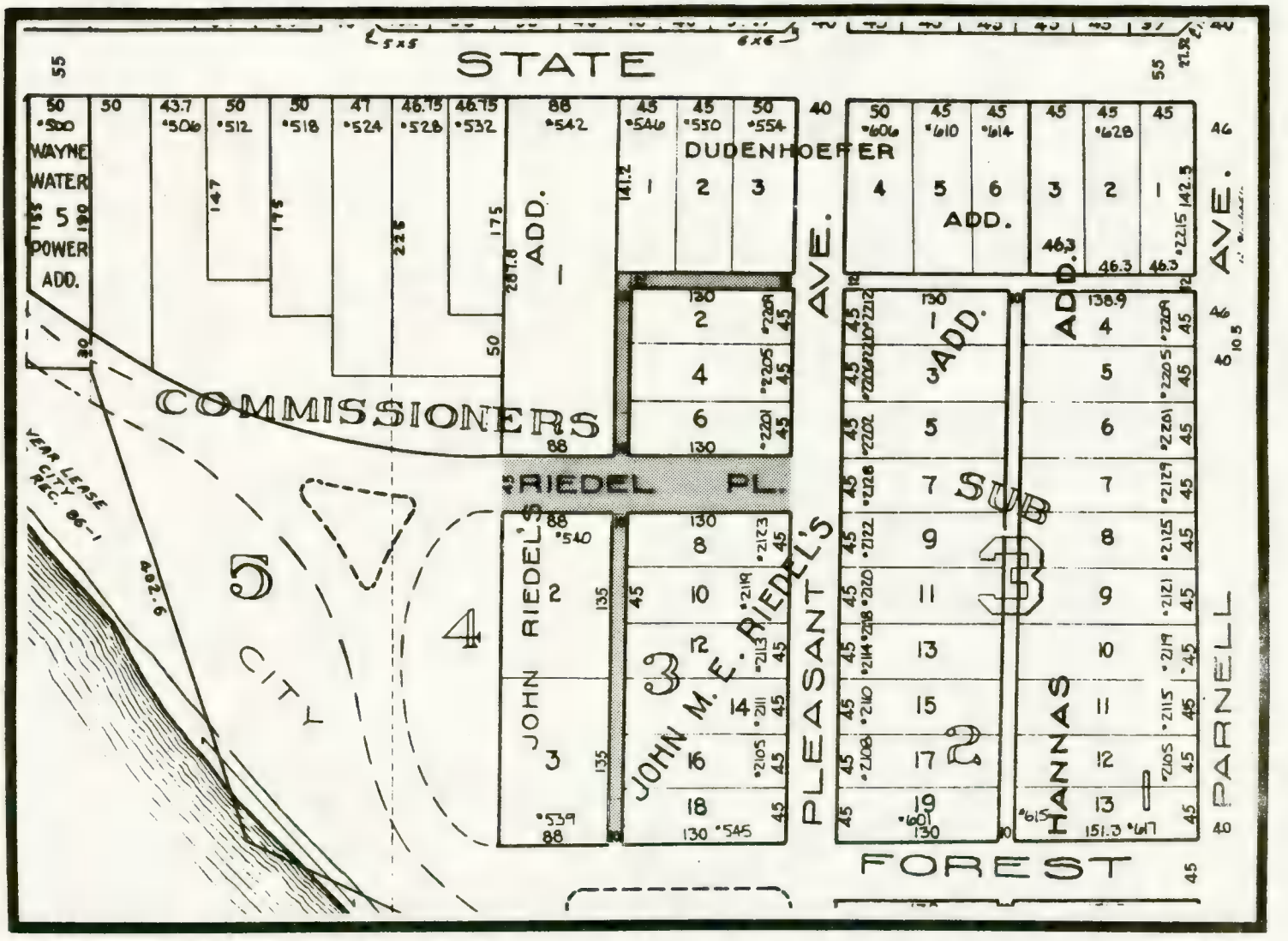
Reference or Case Number

VACATION PETITION #247

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC ALLEY AND STREET.

MAP NO. N-14

COUNCILMANIC DISTRICT NO. 3



ZONING:

LAND USE:

L.W.

N

SCALE: 1" = 130'

DATE: 1-29-87

Vacation Petition # 247

Petitioner requests the vacation of a portion of a street and an alley.

Location: 1) RIEDEL PLACE from Pleasant Ave. west, and

2) East-West alley west of Pleasant Ave, south of State; and

3) the North-South alley, north of Forest Ave, and west of Pleasant Ave.

Legal Desc.: See File

Land Area: Approximately 0.39 Acres

Surroundings: Most of the immediate area has been developed commercially, with residential uses located to the east.

Reason for Request: Expansion of business

Neighborhood Assoc.: Northside Neighborhood Assoc.

Neighborhood Planning: No Comment

Comprehensive Plan: No Comment

Planning Staff Discussion:

There appears to have been a previous vacation of Riedel Place, but the petitioner is unable to verify that the Board of Works ever did vacate.

Petitioners own all real estate bordering the petitioned area, and are the only party to be effected by the vacation. It does not appear that the growth of the City mandates the maintenance of these parcels, in fact vacation may benefit the City by adding to the tax base.

Recommendation: Do Pass, contingent upon the petitioner providing utility easements as needed.

RESOLUTION 77-60-9

WHEREAS, M.B.C. CORPORATION and JAMES KELLEY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following a public alleys and street in Fort Wayne, Allen County, to-wit:

All that part of an alley lying east of Lots 1, 2, and 3 in John Riedel's Addition to the City of Fort Wayne and west of Lots 2, 4, 6, 8, 10, 12, 14, 16, and 18 in John M.E. Riedel's Addition to the City of Fort Wayne; and all that part of an alley lying south of Lots 1, 2, and 3 in Dudenhoeffer's Addition to the City of Fort Wayne and north of Lot 2 in John M.E. Riedel's Addition to the City of Fort Wayne.

All that part of a street known as Riedel Place lying south of Lot 1 in John Riedel's Addition to the City of Fort Wayne and Lot 6 in John M.E. Riedel's Addition to the City of Fort Wayne and north of Lot 2 in John Riedel's Addition to the City of Fort Wayne and Lot 8 in John M.E. Riedel's Addition to the City of Fort Wayne.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a public alleys and street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alleys and street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alleys and street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Bron B. Biedenweg, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held March 4, 1987 and as same appears of record in the official records of the Board of Public Works

DATED THIS 4th DAY OF March 1987

FORT WAYNE BOARD OF PUBLIC WORKS

Baron R. Biedenweg
Director of Public Works

Cosette R. Simon
Director of Administration & Finance

Lawrence D. Consalvos
Director of Public Safety

RESOLUTION

WHEREAS, M.B.C. CORPORATION and JAMES KELLEY, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following a public alleys and street in Fort Wayne, Allen County, to-wit:

All that part of an alley lying east of Lots 1, 2, and 3 in John Riedel's Addition to the City of Fort Wayne and west of Lots 2, 4, 6, 8, 10, 12, 14, 16, and 18 in John M.E. Riedel's Addition to the City of Fort Wayne; and all that part of an alley lying south of Lots 1, 2, and 3 in Dudenhoeffer's Addition to the City of Fort Wayne and north of Lot 2 in John M.E. Riedel's Addition to the City of Fort Wayne.

All that part of a street known as Riedel Place lying south of Lot 1 in John Riedel's Addition to the City of Fort Wayne and Lot 6 in John M.E. Riedel's Addition to the City of Fort Wayne and north of Lot 2 in John Riedel's Addition to the City of Fort Wayne and Lot 8 in John M.E. Riedel's Addition to the City of
Fort Wayne.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on February 23, 1987, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alleys and street.

WHEREAS, said vacation of public alleys and street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alleys and street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alleys and street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alleys and street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said public alleys and street in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 2 March 1987, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 6th DAY OF March 1987

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner, Secretary

MARK GIAQUINTA
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers:

56/87/E
57/87/E
58/87/E
59/87/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully Submitted,

Lawrence D. Consalvos

Lawrence D. Consalvos, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 56/87/E, 57/87/E, 58/87/E, 59/87/E)

I hereby certify that I did this 4th day of May, 19 87 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 56/87/E, 57/87/E, 58/87/E & 59/87/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1986.

L.D. Consadine

CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 56/87 /E

(Adopted April 29, 19 87)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 27/87/E: SPEED LIMIT 25 WHEN CHILDREN ARE PRESENT (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 28, 19 87, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective April 29, 19 87, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

SPEED LIMIT 25 WHEN CHILDREN ARE PRESENT (EMERGENCY)

Laverne Avenue -- from Lake Avenue to State Blvd.

REGULATORY RESOLUTION NO. 57/87 /E

(Adopted April 29, 1987)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 28/87/E: STOP INTERSECTION (EMERGENCY): AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 28, 1987, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective April 29, 1987, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

The first north/south alley west of Wells Street between Fourth Street and Third Street	-- stop --	for the east/west alley between Fourth Street and Third Street and Barthold Street and Wells Street

REGULATORY RESOLUTION NO. 58/87/E

(Adopted May 1, 1987)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to NO PARKING (TEMPORARY) (EMERGENCY)

_____

_____

_____

_____

_____

_____: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 30, 1987, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective May 1, 1987, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (TEMPORARY) (EMERGENCY)

Old Mill Road -- west side -- from Lexington Avenue to 200 feet south thereof

Lexington AVenue -- south side -- from Old Mill Road to 155 feet east thereof